

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO.: 1:15-CV-01046
	)	
Plaintiff,	)	
	)	JUDGE SOLOMON OLIVER, JR.
vs.	)	
	)	<b><u>NOTICE REGARDING NINTH SEMI-</u></b>
CITY OF CLEVELAND	)	<b><u>ANNUAL REPORT</u></b>
	)	
Defendant.	)	
	)	
	)	

**I. NOTICE**

Pursuant to paragraph 375 of the Consent Decree, the Monitoring Team “will file with the Court, every six months, written, public reports that detail” a description of the work conducted by the Monitor during the reporting period, a list of each Agreement requirement and where the department stands, the methodology and specific findings for each compliance review conducted, recommendations for compliance, the methodology and specific findings for each outcome assessment, and a projection of the work to be completed during the upcoming reporting period. The Monitoring Team is currently finalizing the Eighth Semi-Annual Report, and even as it is being drafted, its relevance for the current times is in doubt. While continuing progress with the consent decree occurred in the six months between September 2019 and February 2020, the COVID-19 pandemic that was realized in March 2020 and the even more recent upheaval in the

social fabric of the United States since the killing of George Floyd have overshadowed the prior period's work.

Policing is at a crossroads like never before, with a new civil rights movement emerging challenging systemic racism in government generally, but specifically in police departments across the United States. Over the past few weeks, catalyzed by the killing of George Floyd in Minneapolis by a white police officer, demonstrations have occurred across the nation decrying police brutality and demanding change. In the face of such upheaval, the thoughtful, procedural work of the Monitoring Team has not lost its importance - in fact, the deliberate and considered strategies of the consent decree seek to achieve many of the urgent demands for reform that are sweeping many cities. Both serve a purpose and should not be underestimated. However, the significance of this moment and the fact that these demonstrations, directed at the police, have tested many central tenets of the consent decree: use of force, community engagement, search and seizure, bias-free policing, accountability, and supervision, make this review timely and relevant.

Given these circumstances, the Monitoring Team intends for the Ninth Semi-Annual Report to be a "special edition," focused on a review of the Cleveland Division of Police's preparedness, response, and after-action activities related to the various planned and unplanned protests occurring after the killing of George Floyd by officers of the Minneapolis Police Department, specifically, the protests that occurred in Cleveland between May 26, 2020 and June 12, 2020. This report, like every other semi-annual report, would be filed with this Court and would also report on the progress in other areas of the consent decree as outlined in the Monitoring Plan. Attached as Exhibit A, is a Memorandum from the Cleveland Monitoring Team notifying the parties of the Monitoring Team's intent to conduct a comprehensive review of the demonstration responses, including:

- Planning and preparation for the protests in Cleveland
- CPD's Incident Command, control, and communications to the field
- Mutual aid and associated field supervision of joint response
- Policy and Training
- Reporting Use of Force and subsequent documentation and investigation
- Mass arrests, individual arrests and compliance with GPO 3.3.03
- News Media Relations
- Community engagement prior to, during and post protests (CDP contacts, Community Police Commission, faith community, etc.)
- All complaints, internal and citizen generated, against CDP staff
- All associated After-action Reports
- Compliance implications with the Consent Decree
- Citizen feedback on their experience at the various protests

Additionally, the memorandum outlines document requests to the Division that will enable the Monitoring Team to gather and sort through the records surrounding the Cleveland Division of Police's response to the demonstrations that occurred between May 28, 2020, and June 12, 2020.

## **II. CONCLUSION**

In light of the extraordinary circumstances and the opportunity to examine the response of the Cleveland Division of Police to the need to balance freedom of expression with public safety, the Monitor respectfully informs the Court of the change in focus of the Ninth Semi-Annual Report to be the mechanism to conduct a thorough review of the Cleveland Division of Police's response to the demonstrations that occurred between May 28, 2020, and June 12, 2020.

Respectfully submitted,

/s/ Hassan Aden

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HASSAN ADEN  
Monitor  
The Aden Group LLC  
8022 Fairfax Road  
Alexandria, VA 22308  
Tel: (571) 274-7821  
Email: aden@theadengroup.com

**CERTIFICATE OF SERVICE**

I hereby certify that on June 18, 2020, I served the foregoing document entitled **NOTICE REGARDING NINTH SEMIANNUAL REPORT** via the court's ECF system to all counsel of record.

/s/ Ayesha Hardaway  
AYESHA HARDAWAY